

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KYLE DAVID MILTON,
Plaintiff,

v.

B.M. TRATE, et al.,
Defendants.

Case No. 1:22-cv-00988-EPG (PC)

ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS WITHOUT PREJUDICE

(ECF No. 2)

ORDER REQUIRING PLAINTIFF TO
SUBMIT APPLICATION TO PROCEED *IN*
FORMA PAUPERIS OR PAY FILING FEE

THIRTY (30) DAY DEADLINE

Plaintiff Kyle David Milton is incarcerated at Atwater U.S. Penitentiary and is proceeding *pro se* in this civil rights action. Plaintiff has submitted an application to proceed *in forma pauperis* (IFP) pursuant to 28 U.S.C. § 1915. (ECF No. 2). Plaintiff's application, however, is incomplete. Plaintiff has not submitted his application on the applicable form (AO 240) nor provided all information required by the form.¹ Therefore, Plaintiff's IFP application must be denied with leave to refile.

Accordingly, IT IS ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) is DENIED without

¹ In particular, Plaintiff does not authorize his institution of confinement to collect funds from his trust account and forward them to the Court in accordance with 28 U.S.C. § 1915(b)(2).

prejudice.

2. **Within thirty (30) days** from the date of service of this order, Plaintiff shall submit the attached application to proceed *in forma pauperis*, completed and signed or, in the alternative, pay the \$402.00 filing fee for this action.² **No request for an extension of time will be granted without a showing of good cause. Failure to comply with this order may result in a recommendation for the dismissal of this action.**

3. The Clerk of Court is DIRECTED to attach to this Order a blank application form (AO 240) to proceed *in forma pauperis*.

IT IS SO ORDERED.

Dated: August 12, 2022

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

² Plaintiff does not need to submit a new Prison Account Statement.